EDUCATING LINGUISTICALLY DIVERSE STUDENTS

Missouri Department of Elementary and Secondary Education (DESE)

Requirements & Practices

2006 UPDATED VERSION

DRAFT

MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

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About This Document

The purpose of the *Educating Linguistically Diverse Students: Requirements and Practices* handbook is to give every school a clear understanding of its responsibilities towards students of limited English proficiency (LEP) or English Language Learners (ELL). In response to frequent inquiries about programs and services for these students, this document addresses the key areas of **Student Identification** and **Assessment, Program Components** and **Evaluation,** and **Culture**. Additional **Appendices**, **Resources**, and **Addresses** provide school teachers and administrators sources of assistance with program development and implementation and ways to meet the diverse needs of students and parents.

For those seeking answers to commonly asked questions, an accompanying "FAQ" sheet points the reader directly to the page(s) where the question is discussed.

Periodically there appears boxed **NOTE: ⇒** items throughout the text. These indicate crucial requirements or information that all educators need to know and remember. Failure to abide by them can result in loss of federal education funds and civil rights violations.

This document is *not* intended to be a "step by step" manual for planning and implementing an ESOL or bilingual program. A written description cannot take the place of observing and studying an actual program. Schools that have specific questions about particular program components or services should arrange to discuss them with qualified experts in the field. The agencies listed under Education Assistance addresses can provide such experts.

Linguistically diverse students can achieve the same high standards expected of all students. By combining our knowledge of language and academic learning with the practical experience of expert teachers, we can meet this goal.

Section 1

Key Terminology

It is important to understand how educators and educational statutes use certain terms.

BICS (Basic Interpersonal Communication Skills) - One of two terms coined by Cummins to distinguish between two global kinds of linguistic abilities. BICS refers to the "everyday" or practical language skills that generally develop first and more naturally than "CALP" skills. Depending on many factors (e.g., age, social setting, etc.), these skills can develop in as little as 1-2 years. *See CALP.*

www.nabe.org
www.ncbe.gwu.edu

Bilingual Education - A term describing educational programs that explicitly include the student's native language in instruction. The approach of choice for schools where many ELL students share the same language, and where qualified bilingual teachers are available.

CALP (Cognitive Academic Language Proficiency) - A term used by Jim Cummins to describe the scholastic, formal use of language that is typically found in academic texts and settings, as opposed to the more informal, interpersonal kind of language used in everyday settings. This proficiency develops along with schooling, and can take a non-English speaker 3 to 7 years or more to refine. *See BICS.*

English for Speakers of Other Languages (ESOL) - Currently accepted term for English-language programs that teach language skills to speakers from non-English language backgrounds. The approach of choice for schools where bilingual teachers are not available, and where ELL students represent many languages. Replaces the term "English as a Second Language" or ESL.

L1 - L2 - These abbreviations refer to one's first, or "native," and second, or non-primary languages, respectively. For ELL students, L2 usually means English.

Language Minority (LM) - Refers to a student whose linguistic background, such as country of birth or home environment, includes languages other than English.

English Language Learners (ELL) - Refers to speakers of other languages in the process of learning English. This abbreviation may be used to indicate **LEP** students.

Limited English Proficient (LEP) - The term limited English proficient', when used with respect to an individual, means an individual —

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

www.ed.gov/offices/OELA

OELA - Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. An office of the U.S. Department of Education, primarily responsible for the administration of Title III programs.

www.tesol.edu

TESOL (Teaching English to Speakers of Other Languages) - The international professional organization for educators involved with ESOL. Also refers to the discipline of teaching English to non-native speakers.

The entire text of Title III, IASA can be viewed at: www.ed.gov/legislation/ESEA/

Title III - The part of the No Child Left Behind Act of 2001 authorizing appropriations for bilingual education and special alternative language programs, the Foreign Languages Assistance Program, and the Emergency Immigrant Education program.

Other Definitions - Other definitions under Title III of the No Child Left Behind Act may be found in the appendix G or see **ESEA section 9101 - from page 955 - at:** http://dese.mo.gov/divimprove/fedprog/discretionarygrants/.

Section 2

General Requirements

There are requirements that all school districts must meet, whether they currently enroll ELL students or not.

Every public school in the United States is required to provide a free and equitable education to all eligible children who reside within the boundaries of the school district. Over the years, key laws have been enacted to protect the rights of certain students who otherwise may not receive the full benefit of a public education. Some of these laws have been supported by funding to which every eligible school is entitled (e.g., Title I), or for which certain schools or districts may apply/qualify (e.g., Title III).

Regardless of whether there is funding attached to a law, public schools are obliged to comply with the law to the best of their abilities. In many cases, the requirements of schools to serve ELL students do not come with specific funding attached. However, schools should keep in mind that the enrollment of an ELL student generates the same amount of state per-pupil aid and contributes to the same applicable student counts (such as U.S. Census or Free and Reduced Lunch) as any other student in the school.

Identifying Students Speaking Other Languages

MSIP Standards: http://dese.mo.gov/divimprove/sia/msip/

Every Missouri public school district must have the means in place to identify students who come from non-English language backgrounds or home environments. Missouri School Improvement Program (MSIP) Standard 6.3.6 addresses this requirement. Ideally, every student currently enrolled in the district, and every newly enrolling student, completes a *Home Language Survey*, which asks detailed questions about language background and use. A less effective alternative, but one which may be more practical for some districts, is to include at least two questions on the enrollment form regarding language use. Missouri public school districts must choose one of these alternatives. Examples of both are given in Appendix A.

Student Legal Rights

"Ask NCBE" offers documents that answer FAQs about ELL students, among them key legal decisions: www.ncbe.gwu.edu/askncbe/faqs

Every eligible school student in the United States has certain rights, which states and schools cannot violate. These rights are granted by law. Any school district that accepts federal money, regardless of the source, implicitly agrees to comply with all the laws concerning a free and equitable public education. This means, for example, that even if a school district only receives funds for reduced priced lunches and Title I, it still must ensure that all students have access to all the district's programs, and that their personal and educational rights are protected.

The following is an outline of federal law regarding the rights of public school students in the U.S., followed by information specific to Missouri.

Civil Rights

The Civil Rights Act of 1964 states, in part,

> No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

As a result of this Act, in 1970 the Director of the Office for Civil Rights (OCR) sent a memorandum to all school districts where the number of ELL students exceeded five percent of the student enrollment. This memorandum, now known as the "May 25th Memorandum," directed school districts to do four things:

1) Take "affirmative action to rectify the language deficiency."
2) Avoid improper assignment of ELL students to remedial classes or deny them the opportunity to participate in college preparatory classes.
3) Avoid special tracking or grouping that operates as an "educational dead-end or permanent track."
4) Adequately notify the parents of these children of the same things, which all other parents are aware of, if necessary, "in a language other than English."

Lau v. Nichols

In 1974, the most famous legal decision regarding ELL students was handed down. *Lau v. Nichols* was a class-action suit brought by parents against a California school district and was heard by the Supreme Court. The school district had given ELL students the "same facilities, textbooks, teachers and curriculum …provided to other children in the district" and a lower court had felt that was sufficient.

The Supreme Court, however, found that such a remedy was not sufficient.

> Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education.
>
> *Lau v. Nichols (1974)*

The Court also found that school districts, which receive Federal aid, agree implicitly to comply with the May 25th Memorandum. The decision in *Lau* was unanimous.

Equal Educational Opportunities Act

The same year as the *Lau* decision, the Equal Educational Opportunities Act (EEOA) was amended to read, in part

> No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—(f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

In summary, these laws clarify the obligation of every school to not only enroll students from diverse language backgrounds, but also to actively implement a program that addresses their English language needs. The characteristics of such a program are described in Section 3. The remainder of this Section provides additional requirements of Missouri school districts.

School Attendance

http://dese.mo.gov/schoollaw/

In Missouri, any school-age child residing within the boundaries of a school district is eligible to attend the appropriate local school.

NOTE:

A school district may require only two kinds of information for enrollment:
1) **proof of residency in the district (*not in the U.S.*), including legal guardianship for students under the age of 18; and,**
2) **proof of required vaccinations.**

As long as the student or parents can provide this information, *the child must be allowed to enroll in school!*

U.S. Residency and Immigration

The Supreme Court ruled in *Plyler v. Doe* (1982) that legal residency in the United States is not a requirement for enrollment in a public school. Schools should not explicitly or implicitly ask for any information related to U.S. residency, including Social Security numbers (see below), passports, visas, "green cards," and the like. Even if volunteered by parents, it is better to politely refuse such information. Schools are not agents of the Immigration and Naturalization Service, and are ***not*** obligated to provide INS with any information about the U.S. residency status of **students or their families**.

Appendix B contains a memo that was sent to all Missouri public school districts in January 1998. The memo summarizes student rights with respect to enrollment and Social Security numbers.

FOREIGN STUDENT EXCHANGE PROGRAMS

The State of Missouri supports foreign student exchange programs, which are educationally effective and foster international understanding. These programs have been very successful at helping both American and foreign students learn about another language, history, culture, and government. Schools have the discretion to enroll them even though when they are enrolled, they may be treated like resident students during their attendance year. As temporary visitors who are not entitled to receive educational services, it is understood that the school has no obligation to evaluate them for English language proficiency. They may do so at their discretion. Assessment results for foreign exchange students, who are enrolled in the United States of America for less than one year, even if they are English language learners, are not to be included in the school level measurement of adequate yearly progress

required by the No Child Left Behind Act of 2001. Districts should review their foreign exchange student policies.

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Privacy and Social Security Numbers

Wording of statute regarding the use of SS numbers: www.networkusa.org/ fingerprint/page2/ fp-privacy-act-ssn.html

The Privacy Act of 1972, among other things, established the criteria by which an organization can legitimately request certain kinds of personal information from its patrons. In the case of Social Security numbers, the law is interpreted to mean that any organization or agency wishing to use this number must have a legitimate reason for doing so. Employers, for example, may require it in order to comply with reporting obligations to the Internal Revenue Service.

Since public school districts have no such obligations, that is, no legitimate reason for having the number, they may ***not*** require, or even suggest students provide, a Social Security number to enroll in school. While having the number may be a convenience, requiring it is in clear violation of the law (see *Appendix B*).

Certain entities with which many schools are associated can and do legitimately require Social Security numbers. Two common ones are social services, such as Medicaid, and college and university scholarship sources. In these cases, schools can explain the reasons for using Social Security numbers, and instruct the student or parent wishing to apply for the service to do so directly, *without giving the number to the school.* Some other services used by schools, such as the state Dropout Hotline, request Social Security numbers but cannot require them; here again the number is used as a convenience.

In summary, schools should take the following steps to ensure that no one is discouraged from enrolling in public school:

- ◊ Remove <u>all</u> blanks for Social Security numbers from enrollment forms and other school documents.
- ◊ Instruct all district staff, both professional and support that Social Security numbers are not required of students to enroll in school, *or to apply for and receive free or reduced priced lunches.*
- ◊ Refrain from asking for any other information or documents that can be tied to U.S. residency.

Parental Notification and Legal Rights

Under Title III of the *No Child Left Behind Act of 2001,* schools are required to provide informed parental notification as to why their child is in need of placement in a specialized language instruction program. Parents have the right to choose among instruction programs if more than one type of program is offered. Parents must be informed no later than **30 days** after the beginning of the school year. If a child enters a program during the school year, the time frame is **two weeks**. They also have the right to immediately remove their child from a program for ELL children. School districts are required to implement effective means of parental outreach to encourage parents to become informed and active participants in their child's participation in the English language instruction educational program. Though the legislation is silent on whether parents should be notified before assessing a LM student, DESE does not require the districts to seek parental authorization to test the children for ELL classification. Schools also must notify parents of any failure of the program to make progress on the annual measurable objectives no later than **30 days** after this failure occurs. Details on parental notification are located in *Appendix E* of this language minority handbook.

Consultation With Private Schools

The *No Child Left Behind Act of 2001-Title III* allows students and staff at private schools to receive services through ESEA programs. The agreement stipulates that private schools, which do not receive funds or services under the ESEA, are not subject to any of the requirements of the ESEA. The agreement includes *Part A of Title III* to the list of programs under which private schools **may** equitably participate to receive educational services or benefits. In addition, the Act specifies that the educational services must be provided by the school district to private schools in a timely manner and that consultations with private school officials must occur during the design and development stages of the education programs, as well as throughout the period of implementation. Details on this issue are located in the *Appendix F* of this document.

Section

3

Program Requirements

Expectations of Bilingual and English for Speakers of Other Languages Programs Stem from a Combination of Research Findings and Legal Precedents.

Summary of bilingual education history: www.nabe.org/

Since the original Bilingual Education Act was passed in 1966, schools have implemented a wide variety of approaches to meeting the needs of linguistically diverse students. As noted in the previous Section, not all of these have been equitable in terms of offering ELL students the opportunity to succeed in school. As a result, litigation between school districts and parents has led to benchmark court decisions, which provide a framework for judging the adequacy and effectiveness of a given district's program.

The *Castañeda* Test

In 1981, a suit was brought against a Texas school district by parents. In hearing and deciding the case, the court found that there was lacking a "common sense analytical framework for analyzing a district's program for ELL students." Out of this case came a three-part "test" for evaluating a school district's plan for serving ELL students. These three areas have become the basis for the Office for Civil Right's school district reviews. They are:

1) the district is pursuing a program informed by an educational theory recognized as sound by some experts in the field, or, at least, deemed a legitimate experimental strategy;
2) the programs and practices actually used by the district are reasonably calculated to implement effectively the educational theory adopted by the district; and,
3) the district has taken some course of action if the program, after a legitimate trial, fails to produce the results indicating the language barriers confronting students are actually being overcome.

1) Sound Educational Approach

Districts, in deciding on the instructional approach to employ with ELL students, must use an approach that is either widely recognized as successful, or may legitimately be expected to work. Both ESOL and Bilingual Education have a number of approaches that have proven effective. These kinds of programs are described in Section 5.

2) Appropriate Implementation

Once a district has decided on the approach to use, it must be properly implemented. It is not sufficient to choose an effective instructional program, but then fail to provide the qualified staff and materials needed to run it. Three key components of implementation

are the entry and transition criteria (to be discussed in Sections 4 and 6) and qualifications of key personnel (below and Section 5).

MSIP Standards: http://dese.mo.gov/divimprove/sia/msip/

Districts are given a "reasonable period of time" in which to provide the qualified staff needed to run their chosen program. Though the MSIP Standard 6.3.6 is silent, the State of Missouri requires districts to have a full-time certified teacher with the ESOL endorsement if there are more than 20 ELL students enrolled. Districts that consistently enroll twenty (20) or more than 20 ELL students but do not have an ESOL-endorsed teacher must provide a plan for hiring a new teacher or training an existing one.

If there are other district programs that require teachers with certain qualifications, such as Title I reading teachers, Gifted teachers, Special Education teachers, and so on, then ELL students must have qualified teachers as well. *It is a violation of students' civil rights to "in effect relegate LEP students to second-class status by indefinitely allowing teachers without formal qualifications to teach them while requiring teachers of non-LEP students to meet formal qualification."* Bilingual or ESOL aides/ **paraprofessional** may be used in classrooms supervised by certified teachers, but this is not a permanent solution.

NOTE: **It is illegal to put a bilingual or ESOL "aide"/ paraprofessional in charge of a classroom not under the supervision of a certified teacher.**

With respect to program entry and transitioning, planning should include clear criteria for student placement (e.g., "beginning," "intermediate," "advanced"), and for transitioning and follow-up. Students should *not* be transitioned until they can, among other things, keep up with non-ELL peers in the regular program, participate in the school curriculum without the use of modified or simplified English materials, and as a group show similar dropout and retention rates. Part of entry and transition decisions should be based on "objective measures." Schools are required a **two-year** follow-up after a child is no longer receiving services.

The approach most used for teaching in Missouri is ESOL. Whatever approach is used (such as the bilingual education or ESOL), the current legislation, Title III of the No Child Left Behind Act, requires that all teachers in language instruction educational programs for ELL students be fluent in English and any other language used by that program, including written and oral communication skills. This does not mean that teachers should be fluent in all ELL students' languages. This is especially true for Bilingual Education. For the ESOL approach, the **English fluency** of teachers must meet the requirement.

Finally, if a school decides to adopt a program focusing primarily on English language fluency, the school is still obligated to "remedy academic deficits that may have occurred in other subjects while the student was focusing on English" (*Castañeda* v. *Pickard, 1981*).

3) Program Evaluation

Once an instructional approach has been chosen and implemented, then there must be a means in place to determine its effectiveness and, as time goes on, how it needs to be modified and improved. Programs that do not prove successful after a "legitimate trial" must be modified or changed. A court decision in Colorado found that a district's program was "flawed by the failure to adopt adequate tests to measure the results of what

the district [was] doing…" **Section 6** offers more detail on appropriate program evaluation.

Since Missouri has adopted state standards for student achievement (the Show-Me Standards), program evaluation should be based at least in part on how well ELL students are progressing towards statewide expectations for all students. Other program components, which should be evaluated, may include the effective use of technology, teacher instruction, materials, and coordination with the grade level or subject matter curriculum.

Program Checklist

The chart on the following page offers a quick self-evaluation of a school or district's efforts to meet the needs of ELL students. Some of the items will be further explained in the remaining sections of this document. This checklist is not intended to take the place of an evaluation instrument. Rather, it can give a teacher or administrator a rough idea of where strengths and weaknesses may be found in order to focus program improvement efforts.

ESOL - Bilingual Program Checklist

This instrument is designed to produce a relatively quick and informal picture of a program. Areas where immediate attention or improvement is indicated may require more careful evaluation.

	Needs Immediate Attention	Could Be Improved	This Is Done Well	We Excel in This Area
1. All district students are (or have been) surveyed for language background using a Home Language Survey.				
2. The English language proficiency of all ESOL students is assessed to identify ELL students needing services.				
3. The academic needs of ELL students are assessed and an alternative language development program is offered.				
4. ELL students are provided understandable instruction in content areas using the L1 or ESOL methodology.				
5. ELL students are provided opportunities to develop identification with and positive images of their cultural heritages.				
6. Appropriate and comparable instructional materials are provided.				
7. ELL students have equitable access to all district programs and services.				
8. Staff training opportunities are offered to enhance all teachers' abilities to instruct multilingual students.				
9. Students are given appropriate support services when needed (e.g., Gifted; Special Education).				
10. The schools involve parents and appropriately communicate with them.				
11. Student progress is monitored and the school maintains adequate records.				
12. Student transition criteria are clear and follow-up procedures are implemented.				

Section 4

Assessment

Assessment issues specific to ELL students include testing both language proficiency and subject matter.

This section will discuss assessment of students speaking other languages for the purposes of entry into and transition from educational programs. Issues of grading and state testing will be addressed in Section 5.

Language Proficiency and Test Tools

There is still much discussion about the concept of language "proficiency"—what it means and how to measure it. Nevertheless, the basis for deciding whether or not a student needs additional help overcoming language barriers to schooling (i.e., whether or not a student is "linguistically diverse" or "limited English proficient") hinges on our ability to say something useful about English language proficiency.

Whatever measure or combination of measures is used, the bottom line is whether the student's English language skills are what would be expected of the average English-speaking student at the **age-appropriate grade level**. The measure(s) used must also tell teachers something about all four language "modalities": reading, writing, speaking and listening. Comprehension must be sorted. There is room for differences among schools and districts in their interpretations of "average" and "grade level." However, to the extent that state standards clearly articulate the kinds of knowledge and skills expected of students at specific grade levels, deciding whether or not a student requires additional help becomes easier.

Not to be forgotten in the focus on English language skills, though, is the importance of native language proficiency. A number of researchers, including a broad-based panel of reading researchers, agree that the development of literacy skills is crucial to both successful schooling, as well as lifelong learning. Knowing whether and to what extent non-English language development has occurred can help in making decisions about the kind of ESOL or bilingual services to provide a student. Even if there are no speakers of a student's language in the school district, the student can still demonstrate native language literacy by reading or writing, for example.

Statewide Assessment Tool: MAC II

To comply with Title III of the No Child Left Behind Act of 2001, the state of Missouri has adopted **MAC II** as the statewide assessment tool to measure the yearly English language proficiency progress of ELL students. MAC II assesses proficiency in speaking, listening, reading, and writing. All identified ELL students are required to take the MAC II at the session following their enrollment in a Missouri school. No ELL students will

be exempted from taking the MAC II except for private school ELL students who are taking their school's assessment test. Refer to the administration manual for details.

Common Proficiency Tests

The following chart offers a brief comparison of five English language proficiency tests commonly used in Missouri districts. While there are other tools available for assessing some aspects of language proficiency (such as the SOLOM for listening-speaking), these tests can provide a measure of *all four* modalities. The first column gives the name of the test. The second indicates the language modalities assessed (Reading, Writing, Speaking, and Listening). The third column provides an approximate administration time, for each of the sections, as applicable. The fourth column briefly explains the kinds of scores provided by the test. Costs may vary with the number of students and grades tested, and at least one test is no longer being actively updated (*Language Assessment Battery*). Publisher information is provided in *Appendix C*. Please contact the publishers to request test updates and the **current** price quote.

TEST	MODALITIES	ADMIN. TIME (in minutes)	SCORING
***IDEA Proficiency Test* (IPT I&II)**	"Oral," W, R	Oral = ~15 (individualized) R = 45-70 W = 25-45	Oral scores are reported as one of six levels; W and R scores can be converted to Standard Scores, %iles, and NCEs.
Language Assessment Battery	S, L, W, R	S = no limit (individualized) L, R, W = no limit (grades K-2); 12-28 (grades 3-12)	
***Language Assessment Scales* (LAS)**	S, L, W, R	No set time limits	Fluency scale from 1-5 reported; scores can be converted to NCEs.
Maculaitis Assessment Program	S, L, W, R	S, L = 15-30 (individualized) R, W = 30-60	Several scores are given: Wscore, age & grade equivalent; CALP. Conversion to other scores possible.
Woodcock-Muñoz Language Survey	R, W, L, S, C	R, W, L,S, C = 25-55	WMLS-R Scoring and Reporting Program provides all derived scores for the individual and clusters: W Score, SS, RPI, and CALP
Stanford English Language Proficiency (SELP)	S, L, W, R	L = 15-20, W =35-40 S= 15, R=20-25	Emergent, Basic, Intermediate, and Proficient. Scaled Scores, Raw Scores, and % correct are also provided

"Low Incidence" Districts

There are many school districts that enroll small numbers of students (less than 20) from year to year. Some years there may be no new or continuing students at all. In these cases, the cost of maintaining a standardized instrument may not be justified. However, these districts are under the same obligations regarding the assessment of linguistically diverse students to identify their needs as any other district.

For such districts, there are other options. One is to have a neighboring district, or local "tester," administer a standardized test that it already uses. This person might test incoming students after enrollment and everyone at the end of the year. Another option is to combine some recognized instruments or rubrics that test some of the modalities with relevant tasks covering the other modalities. For example, the Student Oral Language Observation Matrix (SOLOM) might be used for Listening-Speaking and a short, grade-appropriate reading and writing task for those domains.

Subject-Matter Knowledge

It is important to ascertain the extent to which a student has learned from prior schooling or life experiences, before judgments about subject matter knowledge are made. Reliance on only English language tests of subject matter may give an incomplete picture of what an ELL student really knows and can do. Some subjects, such as Math, are more "language-free" than others, and evidence of a student's knowledge may be elicited more easily. However, newer math programs, which support the MAP tend to be more language based than previously.

In order to accurately place a student for services, part of the assessment process could be to give some sample tasks of the type expected of other students at the same grade level. For example, short reading passages, comprehension questions, math problems, map reading, chart and graph construction, manipulatives, and other similar tasks might be used. Any information gained about a student's subject-matter knowledge should be recorded.

www.mcrel.org

One systematic effort that has been made to develop a native language measure of content area knowledge is the "Snapshot Assessment System." This system is designed to provide classroom teachers with a quick initial assessment of student knowledge and skills in the core curriculum. Developed by the Mid-continent Regional Educational Laboratory (McREL), together with teachers and states serving migrant students from non-English backgrounds, the system currently offers Primary-level (Grades 1-3) and Intermediate-level (Grades 4-6) tests, with Grades 7-8 under development.

Based on national and state content-area standards, the tasks are designed to provide teachers with an idea of what students *know* and *can do* in math, science, and language arts. When needed, Spanish is used to provide a more accurate picture of student ability. The materials are organized so that a monolingual English-speaking teacher can administer the tasks in Spanish.

It should be noted that the Snapshot System is for help in *placement* of students, not in determining *achievement* or when to transition a student from a program. But the approach and kinds of tasks used may prove helpful to bilingual or ESOL programs that are working on more authentic or standards-based assessment tasks.

Classroom Placement

Even though the foregoing language proficiency and subject matter assessment(s) may have given school personnel useful knowledge about an ELL student's performance level, the rule of thumb for placing ELL students in school is still the following:

NOTE: **ELL Students should be placed at the age-appropriate grade level.**

There are several reasons for doing this, but the most important is socio-cultural. Students will progress faster and better if they are with their peers. Also, school personnel are more likely to have appropriate educational expectations for students if they are with age and grade-level peers.

Having said that, some flexibility can and should be applied to this decision, according to circumstances. The following situations merit consideration of exceptions to the above rule.

- The student is not too far beyond Kindergarten age and has not been in a school setting before (for placement in Kindergarten).
- The student is determined to be developmentally delayed, or has had a severely deprived background (as may be the case with children adopted from overseas orphanages).
- The student arrives during the school year and has limited or no prior schooling.

Nevertheless, exceptions should be limited and each one carefully considered. Students should never be more than a year or so behind their age-appropriate grade.

Special Education Testing

Historically, there has been a tendency to refer ELL students to Special Education programs without legitimately determining that a special need exists. Since this is not only inappropriate but also illegal, it is important to understand how an accurate determination of special needs can be made.

The fundamental distinction in question is that between *language acquisition*-related behaviors and *behavioral- and developmental*-related evidence. In other words, educators must distinguish between the behaviors exhibited when one is learning another language, and those exhibited when there are psychological or physical problems or handicaps. Because many of these behaviors may appear similar, it is essential that school personnel have a reliable process for distinguishing between those ELL students who are simply going through normal language acquisition processes and those who also have special educational needs. Research in the area of bilingual special education has provided some proven tools for this purpose. One of the most practical is a flowchart that takes educators through a questioning process designed to prevent inappropriate referrals for Special Education testing (see *Appendix D*).

Even when Special Education screening and services are deemed appropriate, the reauthorized IDEA (1997) includes specific safeguards for ELL students in the form of native language testing and communication with students' parents. A new resource document on the assessment of bilingual special education students is available from the Center for Innovations in Education (CISE--see Resources section for address). Contact Early Childhood Special Education 573-751-0185, or CISE for further information.

Promotion of Students and Senate Bill 319

Local school districts are required to select a reading assessment mechanism and assign third-grade and older students who are reading below grade level to be assessed for

summer school placement. Special Education students, ***students with limited English proficiency***, are exempt from the required reading assessment, though a reading improvement plan shall be provided for students with such insufficient cognitive ability. School district personnel are recommended to read details at the following locations:

http://www.house.state.mo.us/bills01/bills01/sb319.htm
http://dese.mo.gov/schoollaw/LegFolder/SB%20319sum.htm

Gifted and Other Special Education Programs

As with all other facets of school, ELL students have as much right to Gifted and other special school programs as any other student. The fact that some students have not developed English language skills to the same level as their peers does not mean that they are inherently less intelligent, creative, or deserving of a challenging and invigorating educational experience.

The keys to opening doors to additional possibilities are educators' attitudes and program access. Change in attitudes happens on an individual basis according to one's experiences. Change in access to programs can and should be planned.

More discussion of this topic can be found at http://dese.mo.gov/divimprove/

With respect to Gifted Programs in particular, those responsible for student selection must ensure that the criteria used to identify and select participants are not culturally or linguistically biased. To make decisions about students based on measures that assume English language proficiency is a violation of ELL students' civil rights. If necessary, alternative routes to qualifying must be available to students from non-English language backgrounds.

Districts must make sure that any educational program offered to the student body uses eligibility criterion accessible to all students.

NOTE: 

ELL students may participate in *every* program for which they are eligible. Placement in one does not preclude placement in a second or third. Programs referred to include Special Education, ESOL, Gifted, Migrant Education and Title I programs.

Section

5

Instructional Programs

Effective programs for ELL students will take into account the influence and development of the native language.

This section will summarize the most successful approaches for teaching students from other language backgrounds. Some additional methods and techniques are described as well, culled from research literature, as well as teachers' experiences. Detailed descriptions of the approaches can be found in published texts and through some of the references provided. Educators interested in implementing an approach have several options, including visiting and observing a program in action, requesting program assistance from a regional educational laboratory or state education agency, or contracting with a consultant. The section concludes with a discussion of curriculum and standards.

Schools districts are responsible for providing a language instruction educational program that increases the English proficiency and academic achievement of ELL students. This is true whether or not the districts receive funds from the state or federal level. The expectations are to hold ELL students to the State academic content and academic achievement standards established for all children. DESE has no mandated curriculum to serve ELL students. DESE can assist districts in developing their local plan for educating ELL students that allows for local variations while maintaining compliance with state and federal requirements. The districts have the students' results in terms of their language abilities. These are key factors in determining what kind of services to provide and how often to deliver them to reach the expectations that programs will enable children to speak, read, write, listen and comprehend the English language and meet challenging State academic content and student academic achievement standards.

English for Speakers of Other Languages (ESOL)

For perhaps the majority of educational contexts that include ELL students, an ESOL approach is the only practical one. This might be the case either because a qualified teacher who is fluent in both English and the student's other language is not available, or because there are so many other languages represented by students that having a bilingual teacher for each language is impractical.

In Missouri, both of the above reasons, coupled with the relatively low numbers of students in the majority of districts enrolling ELL students, make ESOL the approach of choice. In addition, the only formal teaching recognition in Missouri is the ESOL endorsement; there is no bilingual certificate or endorsement. Below are brief descriptions of three typical ESOL approaches, listed in order from most to least effective.

Structured ESOL Immersion

Typically employed in elementary grades, this program attempts to provide students bilingual teachers in a self-contained classroom. Nevertheless, the language of the classroom is English. The advantage for the students is that a teacher can rely on the students' native language for explaining and elaborating on key skills and concepts. While an effective approach where there are sufficient numbers of ELL students to comprise a class, structured immersion is not usually implemented with very small (i.e., 1-20) numbers of students, or where students come from many language backgrounds.

Content-Based ESOL

This is probably the most widely adapted ESOL approach in schools. Content-based ESOL recognizes that language is a means to an end and focuses on delivering curriculum content through English in such a way as to make the content understandable (i.e., "comprehensible") to English language learners. Both elementary and secondary students benefit from this method. It provides the advantages of not removing students from content-area instruction to focus exclusively on learning English, while at the same time teaching the same content all students receive.

Pull-Out ESOL

The least effective ESOL method is to periodically remove, or pull out, ELL students from the classroom. Unfortunately, in many districts this seems to be the only reasonable alternative. Often only one or two qualified ESOL teachers must reach a number of students scattered across several buildings and grade levels. During the pull-out time, teachers may work one-on-one with students, or group them according to ability or grade level.

The detrimental effects of pull-out can be mitigated when the ESOL teacher collaborates effectively with regular classroom teachers, who employ helpful content-based strategies.

Bilingual Education

Bilingual classrooms in Missouri really only exist in some of the large city schools. Nevertheless, three approaches to bilingual education are described below since it is clear that a properly implemented bilingual classroom is the most effective, long-term educational setting for ELL students. Furthermore, elements of successful bilingual classrooms can be implemented in other classroom settings as well. As before, the types are listed from most to least effective. [All things being equal, these three methods are more effective, in the long term, than the most successful ESOL method.]

Bilingual Immersion

When fully implemented, this method provides varying percentages of instruction in either English or a second language for the student's entire school career, grades K-12. Typically, students begin school with most of each day's instruction given in the "minority" (non-English) or native language. By graduation, slightly more than half of daily instruction is in English, with the remainder in the native language.

Needless to say, these programs require teachers who are not only qualified in content area(s) but highly proficient (in verbal and literacy skills) in two languages as well. The main outcome of this approach is students who demonstrate high academic competence in two languages.

Two-Way Developmental Programs

This is essentially a broad heading for programs where both language minority and language majority students are in the same classroom. It can include immersion programs, as well as late-transition programs. An immersion differs from a two-way approach mainly in that the former can be implemented without necessarily having a population of language minority students present (in other words, a school of monolingual English-speaking students can have a French immersion program). The goal is still for participating students to become bilingual through long-term structured use of both English and another language.

Late and Early Transition Programs

Both of these kinds of programs begin with daily instruction split between the minority and majority languages, and then transition students into all English instruction at some point in time. In contrast with two-way bilingual programs, late- and early-transition programs are specifically designed for speakers of non-English languages since the purpose is to have students successfully function in an all-English classroom. Late-transition, also called maintenance, programs may go for as long as six years, but were originally conceived as K-12 programs. Early-transition, also called transitional, programs are usually designed to move bilingual students into English classrooms after 2-3 years.

Additional Classroom Types

Team-Teaching

In schools where the classroom and instructional approach permit, team-teaching may be a useful way to "mainstream" ELL students and avoid frequent pull-out sessions. This technique may work especially well at the secondary level when the ESOL teacher can also teach the subject matter. Team-teaching incorporates collaboration, joint planning and cross-curricular themes into instructional programs.

"Sheltered" classrooms

This term refers to a room where only ELL students are taught. Students are taught the same curriculum as their peers, but in a context where the teacher can employ techniques designed to help make the content understandable to them. These techniques include language simplification and additional contextual clues. Another term used for this kind of classroom is "language sensitive."

Resource classrooms

For various reasons (number of staff, physical facilities, etc.), some school districts have found that strategically placing an ESOL Resource Classroom in a school facilitates student progress. These rooms are probably most effective at middle and high school grades, where students take separate content classes. They can also serve as an actual ESOL classroom for part of the day. At other times, students may drop in to discuss readings, complete tests, and work on projects, or do individualized units of coursework.

Newcomer Centers

Larger school districts and those with a steady influx of students new to both school and the U.S. have had success with newcomer centers. Depending on need and the district's resources, a center may serve as a kind of "chamber of commerce" for the school and community. Centers provide a safe and supportive context for students before they move into a regular school. Some districts bring all new students to a single site for

assessment and initial English instruction, and may keep them there from six months to a year. Additional classes may be offered that help students adjust culturally, socially and academically.

Standards and Achievement

The ultimate goal of any ESOL or bilingual program is, of course, to provide ELL students with the needed support to achieve the same educational standards set for all students. Although in some ways this is easier said than done, it is important to keep the goal in mind. Otherwise, well-meaning "exceptions" for ELL students turn into practices, which in effect create lower expectations for them.

In developing instructional objectives that lead students to high achievement, schools can rely on both state and national standards.

The full text of the TESOL Standards is online at www.tesol.edu

ESL Pre-K-12 Standards

In 1997, TESOL, Inc. unveiled the *ESL Standards for Pre-K-12 Students*. This document, coming on the heels of a national standards movement, offers researchers, administrators, and especially teachers clearly articulated standards that are tied to three broad goals for ELL students:

1. ***To use English to communicate in social settings***
2. ***To use English to achieve academically in all content areas***
3. ***To use English in socially and culturally appropriate ways***

The rest of the standards document is divided into three grade-clusters, pre-K-3, 4-8, and 9-12. In each of these sections, each standard is explained with descriptors, sample progress indicators, and vignettes, which discuss relevant background and instructional sequence details.

http://www.tesol.org/s_tesol/seccss.asp?CID=281&DID=1771

The Show-Me Standards

http://dese.mo.gov

In Missouri, the Show-Me Standards represent our state's educational expectations for all students. This means local schools have the responsibility to ensure that not only do ELL students develop the kinds of skills called for in Communication Arts, but that they achieve to high levels in all of the Knowledge and Performance standards. Doing so will require a plan that incorporates ELL student needs into the entire school's educational program.

The Missouri English Language Proficiency Standards

The Missouri Standards for English Language Proficiency are to be approached with a full understanding of what they are and what they are not. They are guidelines born of experience and scientifically derived knowledge. Their effectiveness depends on the knowledge, skills, and experiences of the teachers and administrators who use them to formulate meaningful learning experiences modified to meet student needs. They can be used to provide rigorous evaluations of those experiences, and to design the continuous improvement plans which should be a part of all successful school programs. Notably, the ELL Standards

- do not constitute a curriculum to be followed;
- are not an exhaustive list of activities which will lead to language competency;
- do not provide accurate grade level placement guidelines;

- do not provide all the skills or competencies which are required for success in core academic subjects; and
- are not necessarily connected to any specific items which might be found on district or state competency examinations.

Rather, the Missouri English Language Proficiency Standards serve two basic functions: first, they tie classroom activities back into the Missouri "Show Me Standards"; second, they give the practitioner a framework within which districtwide, schoolwide, and classroom curriculum and instruction can be integrated. For more information, go to:
http://www.dese.mo.gov/divimprove/fedprog/discretionarygrants/bilingual-esol/index.html

The Missouri Assessment Program (MAP)

Prior years' test items are available upon request from the DESE Assessment Section

Students' progress toward attaining the standards is primarily measured by the Missouri Assessment Program (MAP) tests. Each content area is tested at one elementary, middle, and secondary grade level during a student's career. School districts must select the tests given during other (or "off") years and for students in grades pre-K through 2 (MAP testing does not begin until grade 3).

The MAP should be administered to ELL students to provide instructionally useful information. No ELL student should be exempted from taking the MAP after enrolling in a Missouri school. The No Child Left Behind Act of 2001 requires that all ELL students be given the MAP. If you have any questions, contact DESE at **1-800-845-3545**.

The current policy for administering the MAP to ELL students is the following:

> Identified ELL students cannot be exempted from taking the MAP following the date of their enrollment in a United States of America (USA) school. Once the ELL student has been enrolled in a Missouri school, that student should be given the MAP.

However, as long as the student is considered "ELL," certain accommodations may be made in administering the test. These accommodations may be found in the *Examiner's Manual* and the *Test Coordinator's Manual*, available from the DESE Assessment Section. They include Administration Accommodations (Admin), Timing Accommodations (Time), Response Accommodations (Resp) and Setting Accommodations (Set).
Some local discretion may be used in the administration of the MAP to ELL students. In any case, questions about specific ELL students and the MAP may be directed to the DESE Assessment section: 573-751-3545.

Curriculum

With the development of the Show-Me Standards, and the accompanying MAP tests, schools have available both the state's educational goals and a means to measure student performance against them. Sections 2 and 3 described how ELL students have a legal and educational right to schooling that assists them in meeting these Standards. The following discussion of curriculum focuses on a few additional guidelines which can help schools ensure that their programs, whether ESOL or bilingual, respond to the unique educational needs of linguistically diverse students.

The language instruction curriculum used must be tied to **scientifically based research** on teaching ELL students and must have demonstrated effectiveness, which involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs. **ESEA section 9101 (37) - page 969 - for the complete definition at: http://dese.mo.gov/divimprove/fedprog/discretionarygrants/**

Content priorities

One point of agreement among those who work with and develop ESOL programs is this: ESOL teachers cannot simply cover the same curriculum used with other students. Even armed with different methods and techniques, it is unreasonable to expect ELL students to master all of the content *and* develop academic language proficiency as well. In their *CALLA Handbook*, Chamot and O'Malley (1994) put it this way:

> Without special language support, a content-ESOL curriculum would be quite similar to an immersion model in which ESOL students are expected to "sink or swim"[instead the] ESOL teacher carefully selects the high priority topics and skills from the curriculum for native English speakers and integrates them into lessons that develop both academic language proficiency and learning strategies. Selection is the key and depth—rather than breadth—is the objective (p. 28).

There is no one-way to go about this selection process. If the ESOL teacher is fortunate, there are curriculum guides for each of the grade levels and subject areas that outline key skills and competencies. If not, or perhaps in addition to these guides, the ESOL teacher will need to discuss the curriculum with a content specialist or a district administrator in charge of curriculum.

Specific outcome objectives for ELL students can be based on the following outline:

- Major Concepts and Relationships
- Skills and Processes
- Prerequisite Knowledge

The results are kept according to content area and grade level. Additional information about sequence and even English language proficiency level is recorded as well. This information then provides guidance for individual lesson plans and activities.

Thematic Units

Topical or thematic units provide another way to organize (and integrate) the curriculum. They can be especially helpful at the middle and secondary grade levels where students begin to take subject-specific courses. The organizational structure of thematic units also lends itself to "sheltered" classrooms. Finally, and perhaps most importantly, a thematic approach lends itself to integrating both language skills (reading, writing, speaking and listening) and curricular areas (social studies, science, math, and so on).

Thematic units still require an understanding of the concepts and relationships, knowledge and skills desired of students. To the extent that the school's curriculum is aligned (see below) with the Show-Me Standards, however, thematic units can provide clear outcomes for ELL students as well as a better picture of how students measure up to the standards.

Using this approach can bridge gaps in subject-matter knowledge among students from different backgrounds, and it works equally well with new ("beginning") ELL students as well as proficient ("advanced"). Teachers find that even students with little English language proficiency can progress quickly enough to pass required high school tests, such as U.S. History or Government.

Not coincidentally, the effective implementation of a thematic approach incorporates pedagogical standards recognized as effective for all students: joint teacher-student activities, cross-curricular development of literacy, increased cognitive complexity, relevance of curriculum to students, and student engagement through dialogue (see the *Pedagogy Matters* document referenced in the Resources section).

Aligning the Curriculum

In any school where the ESOL program includes pull-out or "self-contained" classroom settings, it is critical that the content of these settings be aligned with the district's overall curriculum for the subject and grade level. Ideally, this is accomplished at the same time that the ESOL curriculum is developed. If the district's curriculum is aligned with state standards, then adapting the curriculum should maintain that alignment. Administrators can support this effort by allowing teachers and curriculum developers a time to meet and coordinate ESOL teaching with the regular classroom program.
Outcomes of effective curriculum alignment would include:

- Goals and objectives for each unit, topic or theme
- Specific Show-Me Standards covered
- Measures for evaluating unit, topic or theme

http://dese.mo.gov/divimprove/fedprog/discretionarygrants/bilingual-esol/index.html

Grading

One final topic that belongs in a discussion of programs is student grades. Grading policies become especially critical at the secondary level. Missouri allows local school districts some latitude in their grading policies. However, the following guidelines can help make the policies more equitable for ELL students.
With respect to assessment, teachers should not expect ELL students' English language test results to be comparable with their peers. As mentioned previously, student readiness for unaided, English-language assessments will be affected by:

- the student's prior academic experiences;
- the student's personal background;
- the student's English language proficiency; and,
- the nature of the instructional program.

Alternatives to letter grades

Until a student can fairly be assigned a letter grade, there are other ways of indicating learning and progress.

A ***checklist*** may cover key concepts, skills and behaviors expected of a student. The advantage of an explicit checklist is that teachers and students easily interpret it. It can also help parents and teachers focus on what a student needs to do at a given time.

Usually already available is a ***Pass/Fail*** grading alternative, but perhaps not in courses the ELL student is taking. It is especially important to consider this alternative if the ELL student is in a class where the English expectations are beyond the student's abilities. ELL students putting forth the effort and making steady progress, but not qualifying for an A, B, or C, should be considered for pass/fail also. In order for the pass/fail grade to make sense, though, a narrative explaining what subject matter has been learned should accompany the grade.

An ***Individualized Academic Plan*** offers a more comprehensive approach to initial academic evaluation. Objectives for the student, and strategies for attaining them, are developed according to grade level and need. A representative group develops and periodically reviews the plan (existing groups like Technical Analysis Teams (TAT) can be utilized). At the very least, the student's teacher(s), counselor, and ESOL or bilingual instructor should be involved in the planning and review process.

A fourth alternative that may already exist is to use ***Portfolios***. The same principles that apply to effective portfolios for other students apply to those for ELL students.

The key to appropriate grading policies and decisions for ELL students is making a distinction between subject matter knowledge and English language skills. When the time comes to assign a letter grade, it should represent what the student knows about the subject-matter, *not* the level of English proficiency. In other words, assigning a grade based on English language measures of the subject matter does not provide instructionally useful information or indicate that the student may, in fact, have some understanding of the subject.

"ESOL" credit

There are no restrictions on how many ESOL classes a school may accept for credit towards graduation. A sheltered World History classroom may cover the same key skills and concepts as the "regular" course. Even in the case of language arts, an ESOL class may provide students with the kinds of communicative strategies and skills as regular English classes, and students should be given credit for it.

Also, ELL students should not be discouraged or prohibited from enrolling for credit in foreign language classes that may, in fact, be their first language. English-speaking students are still *required* to take English even though they "know" the language! Most foreign language teachers would welcome the opportunity to have their students interact with a native speaker, and to use the student's background and cultural knowledge as a basis for class work and discussion.

Rather than viewing them as "exceptions," schools that have been successful teaching ELL students see ESOL classes more as accommodations that allow students access to a much wider range of coursework. These accommodations allow students to benefit from the course content while they are developing English language skills.

In other words, effective school programs for ELL students view language as a means to an end, and not as the end itself.

Summary

Programs that are successful in addressing the needs of ELL students take into account that not only are these students learning a new language but they are also *learning* through that same language. Imagine being placed in a foreign academic program where you not only do not know the language, but in two or four or six years you will be expected to demonstrate knowledge of different subjects by reading and writing *in that language* in order to graduate. That is what we are expecting ELL students to do.

Previously a distinction was made between everyday, interpersonal language skills and the more academic, "school" forms of language. One way to think of the intersection between the two is in terms of a framework that underlies approaches such as CALLA. What the framework below explains visually is that as language use moves from "transparent" (upper left quadrant) to "complex" (lower right quadrant), both the learning time and support students need increase:

Cognitively Undemanding

"survival" vocabulary simple games demonstrated instructions (e.g., TPR)	simple written answers to questions predictable phone conversations pre-reading skills
context-embedded	**context-reduced**
understanding lectures with visuals math problems and manipulatives academic conversations and discussions hands-on science experiments	understanding academic lectures making formal public speeches or lectures making inferences from text content-area tasks: - reading for information - critical reading - formal composition

Cognitively Demanding

Section

6

Evaluation

Ongoing measures of effectiveness will allow programs to adapt and improve services in a timely manner.

Sometimes so much effort is put into designing and implementing an effective ESOL or bilingual program that a means for determining just *how* effective it is gets neglected. As already mentioned, the best evaluations come from evidence automatically generated by the program itself—"process indicators." These can be built into the program so that by its very functioning, those working in the program as well as those who supervise or administer it can readily assess progress towards the stated goals.

Before detailing ways in which these indicators can be incorporated into the program, some attention will be given to student transition criteria.

Student Transitioning (exiting) Criteria

Just as important as determining when a linguistically diverse student needs the assistance of a bilingual or ESOL program is when that student *no longer* needs it. Since the implicit goal of every program (except those catering to academic achievement in two or more languages) is to equip ELL students with the skills needed to succeed in the regular school program, there should be a way for ESOL or bilingual program personnel to know when an ELL student can "make it" on his or her own. This determination, also called "reclassification," needs to be based on assessment of both English language proficiency and subject-area knowledge.

In the case of English language proficiency, it may be possible to conduct a post-test using the same tool initially employed in determining limited English proficiency. As long as this test reflects the demands of academic English skills in school, a pre- and post-test measure allow consistent decisions on student progress and needs. Other local measures can and should be used as well, especially in those cases where the standardized score is a borderline between retaining and reclassifying the student.

In the case of English language skills, and for other subject areas as well, it may be legitimate to base part of the transitioning decision on the student's performance on MAP tests. Obviously, a "proficient" or better rating on an English language measure of achievement suggests that an ELL student has made progress! Class grades are another measure that can be included in deciding whether to transition a student.

About the only thing that should *not* be a part of the decision to transition a student is time.

NOTE: 

Arbitrary program time limits as the basis for transitioning students from language support programs are not supported by language acquisition research or program evaluation. ELL students should be transitioneded from ESOL or bilingual services based on English language proficiency *and* progress in academic skills.

Too many factors contribute to student progress to make a single time period appropriate for all ELL students. Programs that set a one or two-year limit on services will transition many students who are unprepared to succeed in school on their own. More than a decade's worth of research on language minority student academic achievement clearly indicates that anywhere from **three to ten years** are needed for a given student to reach parity with same-age peers.

In summary, then, program student transition criteria should be based on a combination of proficiency and achievement measures that reflect grade-level demands made of all students. Even after being transitioned, ELL students should receive **two-year** periodic follow-up to ensure that they no longer need ESOL or bilingual services.

Program Effectiveness

The best way to maintain a finger on a program's pulse is to ensure an understanding of the program's goals by all of its participants. This means involving the teachers, support staff, and administrators in the development of the program itself. By doing so, both "formative" (measures of program progress) and "summative" (measures of program outcomes) indicators of success can inform evaluation and improvement.

In addition to evaluation plans that work with educational programs in general, some characteristics of programs for ELL students are unique and should be taken into account in determining program effectiveness. For example, while it is the ultimate goal of any ESOL program to help students reach the state standards, basing a decision of program effectiveness solely on the large scale, English language tests of those standards would be misleading. For one thing, some students will not be able to completely demonstrate their knowledge of the subject, and yet others will not take the test at all because they are "off-year"--in a grade where a particular MAP test is not given.

In order to provide a balanced picture of program effectiveness, the following areas need to be evaluated:

- Student progress (achievement) - *How far has the student come since entering the program?*
- Program accuracy - *How well does the program correlate with and prepare students for grade-level work?*
- Program content - *How well do students access the curriculum?*
- Program context - *How well do the instruction and setting contribute to student progress?*
- Professional development - *How well does the program allow for the continued growth of its staff?*
- Parental involvement - *How well are students' parents apprised of the program and involved in their students' education?*

http://www.ncela.gwu.edu/

There are several excellent and imminently practical resources for developing relevant program evaluations. Most are available at the NCBE Website by following the Online Library ⌫ Assessment and Accountability ⌫ Program Evaluation links. They include checklists, charts and graphs on everything from planning what to evaluate to choosing specific measures and indicators, to developing one's own assessment tools.

If desired, it is possible to hire an outside program evaluator. Recommendations can be obtained through most of the regional and state agencies listed at the end of this document, and from districts that have used them.

Biennial Evaluation

Districts must return to DESE a biennial evaluation report that includes the following information:

a. A description of the programs and activities conducted during the two immediately preceding fiscal years;

b. A description of the progress made by ELL students in learning English and meeting challenging State academic content and student achievement standards;

c. The number and percentage of children attaining English proficiency at the end of each school year;

d. A description of the progress made by students in meeting challenging State academic content and student academic achievement standards for each of the two years after students are no longer receiving services; and

e. A percentage of children who (1) are making progress in attaining English proficiency; (2) transitioned into classrooms not tailored to ELL children; (3) are meeting the same challenging State academic content and student academic achievement standards as all other children; (4) are not receiving waivers for the reading or language arts assessments.

Section

7

Family and Culture

No program will entirely succeed without taking into account a student's socio-cultural background.

The subject of family and cultural influences on schooling is far too broad to address in a few pages. However, it is absolutely essential that all of the foregoing program considerations—from planning to evaluation—be framed by an awareness of and sensitivity to the diverse cultural expectations students and their families bring to school. These expectations can be easily overlooked as educators become engrossed in all of the program development and implementation concerns. One way to avoid forgetting who the program recipients are is to involve the parents and community in program planning and implementation. The remaining discussion indicates some of the ways school personnel can address the varied socio-cultural backgrounds of ELL students and their families.

Family and Home

Dress, appearance and speech may all attest to the fact that students come from home environments quite distinct from those of most English-speaking students, but sometimes we still assume that they have prepared for and view school the same way "we" do. Probably no other assumption leads to so much difficulty. In fact, families from other cultures have widely varying views of school, education, and teaching. They hold different expectations for, among other things, the role of the teacher, and the length of time one should go to school, the outcomes of schooling, and even what males and females should study.

This diversity can also mean that involving parents in their children's education will not be easy. It is clear, however, that programs which do find ways of involving parents are successful not only within the school, but in the larger community as well. The following considerations have proven helpful in programs where parent involvement is high.

- Determine the cultural expectations for communicating with families:
  - Do teachers personally call or visit families?
  - Should parents be asked to come to school, or meet at a neutral site?
  - Is there an institution or contact person for the community (an elder member or ecclesiastical leader)?
  - Who is an appropriate interpreter, if needed (e.g., male or female)?
- Orient families to the school (location, policies, communication, etc.)
- Be mindful of other considerations: housing, counseling, employment or nutrition assistance, and health.

- Offer relevant educational services to the parents: English classes, vocational training, and so on.

Larger cities have organizations and churches that also work with newcomer families in different capacities. Two examples of these in Missouri are the International Institute in St. Louis, and the Don Bosco Center in Kansas City. The state Department of Social Services, Vocational Education, and other regional groups such as Rural Missouri Incorporated also have services to offer migrant and immigrant families. Schools have found that collaborating with these kinds of organizations provides more balanced support for families, and relieves the burden on the school.

If a particular group of people is likely to stay in one area for any length of time, the school will benefit from developing a file on their social and cultural practices and the school's experiences with them.

The significance of parental involvement cannot be overemphasized. If the parents believe in what the school is doing, there is a much greater chance that a student will attend school and succeed academically. In order for parents to get to this point, the school must have clearly articulated its program and expectations for ELL students. As one teacher asked, "How can a district communicate effectively with the parents about the goals for students' learning if they haven't articulated them clearly among district personnel?"

Parent and school information sharing

Referring to Genesee (1994), the United States of America is experiencing a period of growth in linguistic and cultural diversity throughout its high quality educational system. Families with students of non-English backgrounds are resourceful in providing information about their children. School personnel are encouraged to interact with the new families to gather the linguistic, social and cultural resources of their new students and their communities of origin. They must avoid asking questions related to immigration status and social security numbers. During school and family conversations, questions may include language use practices, students' life at home, parents' expectations, parents' knowledge about schooling, their areas of expertise, etc. for future collaboration. The school personnel may share information related to the American education system, expectations, opportunities and any available resources at school and in the host community. In summary, all questions to new families must be strictly oriented to identifying their needs. Appropriate services must follow.

Facilitating Parental Contact

One of the biggest challenges to parental involvement—with any parent—is that of making school accessible. Parents of ELL students may both work outside the home, work late or overnight shifts, or may hold more than one job. If there are two parents, there may be limited time when both are home. As a result, teachers may need to be innovative in their attempts to meet with or contact parents. Things to consider include:

- types of work parents are involved in: agricultural, food processing, etc.
- availability of factory or business facilities (offices, classrooms) for meetings
- settings that are attractive to parents (a park or library as opposed to school)
- child care
- the language of announcements and meetings

To summarize, poverty, multiple job commitments, cultural backgrounds and many other factors may prevent English Learners' parents from attending school meetings, conferences, open houses, etc. School administrators must adapt their schedules to allow choices. Schools are advised to inform ELL students' parents as soon as activities are planned to allow them to make arrangements at work.

Parental Literacy

The education of ELL students can be complicated by family background and home environment. Students may come from families where only certain kinds of schooling are valued, or where a child may only be expected to attend school until he or she is old enough to work or get married. There may not be a history of educated, or even literate, family members with whom children can interact. Expectations for parental involvement in school need to be balanced with an understanding of each student's home background. For example, sending home native language books for parents to read with their children can be counterproductive if the parents are illiterate.

Regardless of the educational background or literacy of the parents, communication among family members is crucial to any child's growth and development. Schools should not impose limitations on family interactions.

NOTE: 

Parents should not be told to speak only English with their children.

There are two important reasons for this. One, family communication involves emotion and identity. To limit communication is to limit the interpersonal interactions, which help develop this identity. Two, if the parents are not proficient in English, the English model to which children are exposed will be deficient, and can establish non-standard patterns which are difficult to overcome in school.

Parents should be encouraged to teach their children what they do know, and even reinforce new concepts at home in the native language, if possible. A few examples of printed materials that can involve parents are listed in the Resources section.

Parental Communication

Even though some educational programs, such as Title I and Special Education, are including specific requirements to use the home language in communicating with parents, many schools still neglect to consider this option in other areas. While it may seem like a daunting task, the reality is that in most cases, there are extended family members, volunteers, higher education staff or students, or other persons able to provide written and spoken translation of school policies, announcements and program information. Many statewide and nationwide programs have information available in common languages already (e.g., Spanish).

Taking the time to communicate with parents in the language they best understand can increase parental involvement and interest in school, prevent misunderstandings about program services and purposes, and even serve as support for the native language. It can also increase interest on the part of underrepresented groups in education and teaching.

To summarize, referring to Genesee (1994), ELL students' families bring a wealth of linguistic and socio-cultural experiences to the new school and community. One of the

best ways to benefit from the rich variety of expertise that they acquired in their communities of origin is to invite parents to general meetings, open houses or workshops where they can comfortably share their views and knowledge with the school population. They may not be fluent in English to be able to make formal presentations, but their familiarization with school personnel and activities could encourage them to share their theories, views and experiences in one-on-one situations during socials and breaks.

Culture

"Culturgrams" is one source of summarized information by country: http://kennedy.byu.edu/home.html

Too often, our views of other cultures consist of the so-called "big C" items such as food, music, art, and holidays. How many times has your school had a day or month devoted to a particular people or culture, but the celebration consisted of food samples, famous people, or pictures of clothing? While these things are important, they are only outward manifestations of one people's encounters with and perspectives on the world. Only by recognizing the beliefs and perceptions underlying those manifestations will we create more equitable educational experiences.

For this reason, some people talk of culture as an iceberg; only a small part of it is visible, and sometimes not being aware of the greater part leads to accidents or disaster. Interestingly, many of the laws regarding the equitable treatment of students do imply consideration of the underlying aspects of culture that give meaning to our lives. Schools are to be considerate of and avoid preferential or inappropriate treatment of students based on gender, linguistic background, race, religion, and handicapping conditions.

"Culture Shock"

The first and perhaps most difficult issue to confront is the realization that one's personal view of the world is not the *only*, or *right* view of the world. This realization sometimes comes if we have traveled to another country, or even to an unfamiliar part of the U.S. At such times we may find that our assumptions and expectations about things such as "promptness," "neatness," "personal hygiene," "driving," "shopping," "respect," "personal space," and a hundred others are challenged.

It is then, depending on how long we remain in that context, most of us find that we go through varying degrees of feeling excited, intrigued, lonely, depressed or even angry. These reactions to the unfamiliar have been called "Culture Shock." The process of working one's way through these reactions and coming to terms with the new setting may take a few weeks or a few months. Some never do adjust.

ELL students also go through varying degrees of culture shock. Teachers can lessen the difficulty of adjusting by respecting and understanding students' backgrounds and asking them to contribute their customs, beliefs, and behaviors to class and school. Having other students become "buddies" with new students can also help students develop social skills more quickly.

A Few Basics

There are some general areas of cross-cultural significance that all educators should recognize. Those who want more detailed help with or training in multicultural issues can refer to the Resources section.

Touch For example, some cultures frown on touching the top of the head.

Gesture "OK," "Come Here," even pointing at someone may be signaled differently, or not at all, in different cultures.

Space U.S.-born Americans often expect much more personal space (up to arm's length) than do other cultures (as little as a few inches).

Look Student eye contact with a teacher or adult is inappropriate in some cultures.

Dress Some students may "dress up" for special assignments or days; some cultures have different expectations for males and females (such as keeping females' heads, or entire bodies, covered).

Role Other cultures expect students to "cooperate" in different ways; some expect the good of the group to come ahead of the individual.

Topic Appropriate topics of discussion vary from place to place: age, politics, job, marital status, and so on. Some conversations are appropriate for mixed groups; other topics are for male- or female-only groups.

Y/N The meaning of "yes" and "no," as well as their expression, vary from culture to culture. Many cultures consider it rude to negate or deny a request or question outright; instead, disapproval may be signaled in a roundabout way.

Label Terms for some groups (e.g., "Asian") actually encompass a wide variety of peoples and cultures. Others (e.g., "Hispanic") are not necessarily widely accepted; individuals may consider themselves something else ("Latino or Latina"; "Chicano or Chicana").

Name In some cultures, names are rarely used to identify family members, older community members, etc. Students will say sister, aunt, teacher, etc. Teachers should not insist that the students call them by name. Many students will simply say, "Teacher."

Flexibility and School Expectations

There are no easy rules for when to accept different student behavior and when to insist on conforming to the rules of the school. Obviously, behavior that poses a threat to others cannot be tolerated. The key again is effective communication with the parents. When students enroll in school, parents need to not only receive a school policies handbook, but also understand the contents. They need to know why the policies are in place. At the same time, schools should communicate a desire to understand the new student(s), and a willingness to accommodate different beliefs and expectations to the extent practicable.

This may mean allowing students time for religious practices that don't follow a Judeo-Christian calendar, for example. Or it may mean allowing different dress when students participate in athletics. As with other new experiences for schools, contact with other districts that have worked through these issues can provide valuable models or suggestions for how to deal with linguistically and culturally diverse students.

Additional Resources:

Typing a name of a country in a search engine such as www.yahoo.com or www.google.com, may bring up a country's national website. Surf that website thoroughly to learn more about the country and its cultural practices.

Appendix

A

Home Language Survey Enrollment Questions

Student Home Language Survey

Student's Name _____ Date _____

School _____ Grade _____

Person Completing Survey: ____ Mother ____ Father ____ Student ____ Guardian ____ Other (specify: _____)

Circle the best answer to each question and provide additional information:

1.	**Was the first language you learned English?**	No	Yes
2.	**Can you speak a language other than English?**	No	Yes
3.	**Is any language other than English used at home?**	No	Yes
4.	**Which language do you use most often with friends?**	English	Other: _____
5.	**Which language do you use most often with your parents?**	English	Other: _____
6.	**Which language do you use most often with other relatives?**	English	Other: _____
7.	**Have you attended school in a country other than the U.S.?**	No	Yes (How long/what grades: _____)
8.	**Have you attended another school in the U.S.?**	No	Yes (Where and How Long: _____)
9.	**Have you attended another school in Missouri?**	No	Yes (Where and How Long: _____)

10. **Please provide any other related information that would help the school** (for example, referral to Gifted or Special Education programs in prior schools, etc.):

_____
_____
_____

Note to school staff: This form should be given to all new and enrolling students. Any student that indicates use of a language other than English should be assessed as to English language proficiency. Elaboration on any above answers may be useful before administering detailed tests.

ENROLLMENT FORM QUESTIONS

If a school district decides not to use a separate home language survey, or prefers to screen students using the enrollment form, at least two questions should be asked of all students:

1) **Do you use a language other than English?**

2) **Is a language other than English used in your home?**

A "yes" answer to either or both questions must prompt further investigation as to the reasons for the response. A good follow-up is to provide a Home Language Survey to elicit more detailed information.

It is crucial to ask both questions, because while the student may not actively use another language he or she may have to understand it to communicate with other family members. That is also the reason to ask if the student *uses* another language, as opposed to asking whether he or she *speaks* another language.

Appendix

B

Memo to Schools on Undocumented Students and Social Security Numbers

GUIDELINES REGARDING THE USE OF SOCIAL SECURITY NUMBERS
AND
THE ATTENDANCE AT SCHOOL OF UNDOCUMENTED STUDENTS

(This memo was sent to all district superintendents in January, 1998)

The United States Supreme Court ruled in Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982) that a state may not deny undocumented school-aged children entry into the public school system of that state. The Supreme Court overturned a Texas state law denying state aid to school districts admitting undocumented children of parents coming into the country illegally. For Missouri schools, this means that a district cannot deny admission to school or participation in any program based on a student's undocumented status. Any such discrimination would be a denial of the equal protection of the laws in violation of the Fourteenth Amendment of the United States Constitution.

Undocumented students are also protected under the federal law regarding student records. The Family Educational Rights and Privacy Act (FERPA) requires that educational student records be kept confidential. Information that may be in school records regarding a student's undocumented status must be kept confidential. Disclosure should be made only after parental consent or based upon express authority provided under FERPA.

The Privacy Act of 1974 addresses the use of social security numbers by federal, state, or local governmental agencies. The Act states, in part that it is:

> "unlawful for any federal, state, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security number."

Agencies that collect social security numbers must disclose how that number will be used and the limits of its use. Any request to disclose a social security number must be accompanied by the following statement:

> "Any federal, state, or local government agency which requests an individual to disclose his social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it"

If mandatory disclosure is not specifically authorized under the Privacy Act, then the disclosure is voluntary. A school district may not require disclosure of a social security number or use the refusal of a student to provide a social security number as a basis for denial of enrollment. Instead, districts should have in place a procedure for assigning a school-generated number to use in place of a social security number. Parents completing a free or reduced lunch application should be allowed to write "NONE" in the blank for their children's social security number.

Students enrolling in the Missouri public schools, including those with undocumented status, are exercising a right guaranteed under the laws of the State of Missouri. To deny enrollment based on undocumented status or based on a failure to disclose a social security number violates the equal protection clause of the Fourteenth Amendment and the federal statutes previously cited. School staff responsible for enrolling students must be aware of these requirements. Questions regarding school attendance for students with undocumented status should be directed to Craig Rector, Director, Federal Discretionary Grants, at 573-526-3232.

Appendix

C

Language Proficiency Test Publishers

Publisher Information for Five Language Proficiency Tests

IDEA Proficiency Tests (IPT)
Ballard & Tighe
480 Atlas Street
Brea, CA 92621
800-321-4332
www.ballard-tighe.com

Language Assessment Battery
New York City Board of Education
O.E.A. Scan Center
49 Flatbush Avenue Extension, 5th Floor
Brooklyn, NY 11201
718-596-5226/5227

Language Assessment Scales (LAS)
CTB McGraw-Hill
20 Ryan Ranch Road
Monterey, CA 93940
800-538-9547
www.ctb.com

Maculaitis Assessment of Competencies
Touchstone Applied Science Associates, Inc.
4 Hardscrabble Heights
P.O. Box 382
Brewster, NY 10509-0382
800-800-2598
www.tasa.com [click on 'Literacy']

Woodcock-Muñoz Language Survey
Riverside Publishing Company
425 Spring Lake Drive
Itasca, IL 60143-2079
800-323-9540
www.riverpub.com [click on 'Products' and 'Clinical']

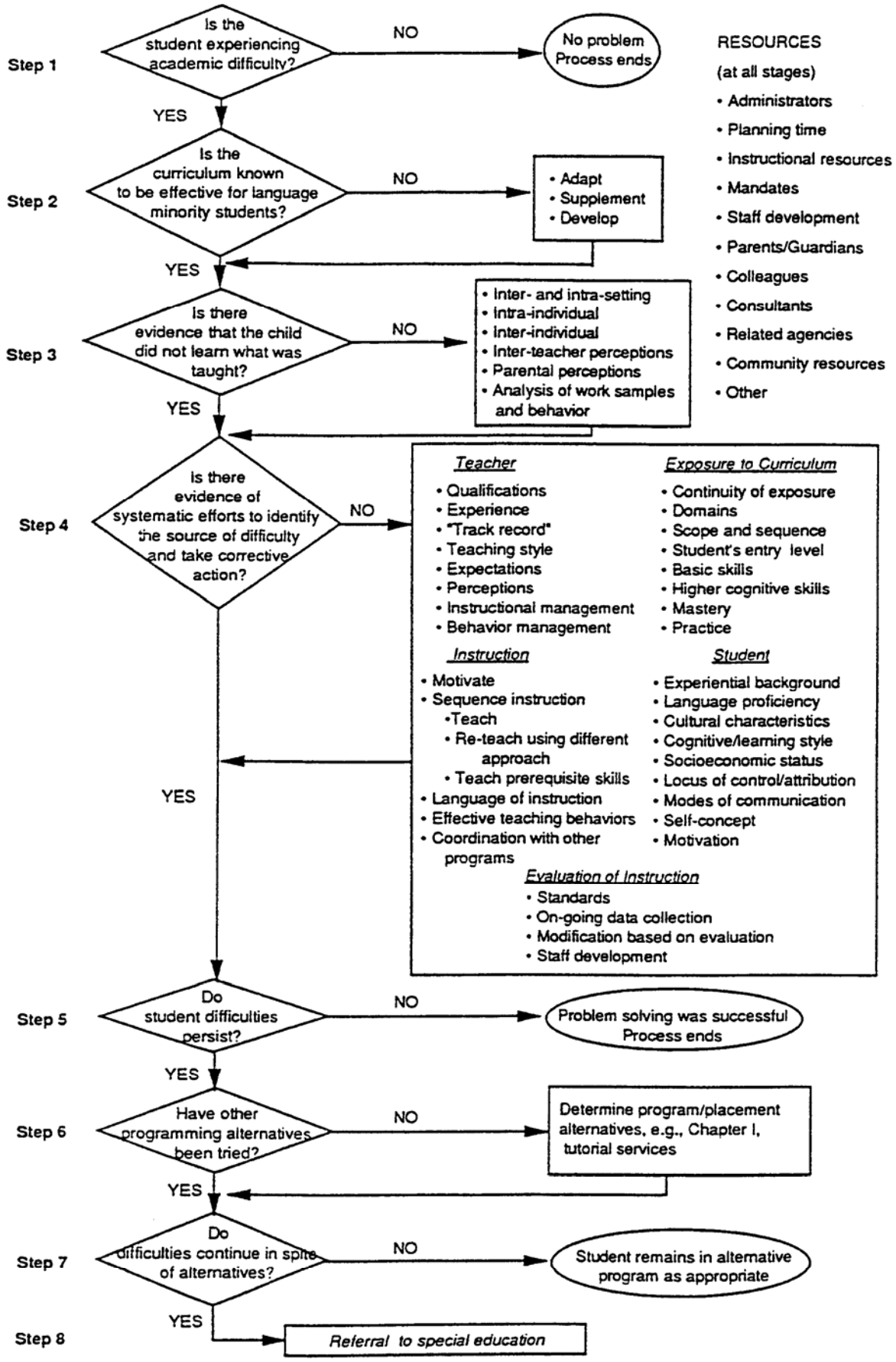
Stanford English Language Proficiency Test
Harcourt Educational Measurement
19500 Bulverde Road
San Antonio, TX 78259-3701
800-211-8378
http://www.hemweb.com/trophy/esea/SELP_FactSheet.htm

Appendix

D

Preventing Inappropriate Referrals to MAP and Special Education

Preventing Inappropriate Placements of Language Minority Students in Special Education: A Prereferral Process



Adapted from: Garcia, S. B. and Ortiz, A. A. (1988). *Preventing inappropriate referrals of language minority students to special education.* New Focus Series, No. 5. Washington, DC: National Clearinghouse for Bilingual Education.

Appendix E

THE NO CHILD LEFT BEHIND ACT OF 2001

"SEC. 3302. PARENTAL NOTIFICATION.
"**(a)** IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—
"**(1)** the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
"**(2)** the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
"**(3)** the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
"**(4)** how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;
"**(5)** how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade pro- motion and graduation;
"**(6)** the specific transition requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
"**(7)** in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
"**(8)** information pertaining to parental rights that includes written guidance—
"**(A)** detailing—
"**(i)** the right that parents have to have their child immediately removed from such program upon their request; and
"**(ii)** the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
"**(B)** assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

"**(b)** SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall

separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

"**(c)** RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

"**(d)** SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

"**(e)** PARENTAL PARTICIPATION.—
"**(1)** IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited
English proficient children to inform such parents of how they can—
"**(A)** be involved in the education of their children; and
"**(B)** be active participants in assisting their children—
"**(i)** to learn English;
"**(ii)** to achieve at high levels in core academic subjects; and
"**(iii)** to meet the same challenging
State academic content and student academic achievement standards as all children are expected to meet.
"**(2)** RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

"**(f)** BASIS FOR ADMISSION OR EXCLUSION.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Appendix

F

THE NO CHILD LEFT BEHIND ACT OF 2001

"PART E—UNIFORM PROVISIONS
"Subpart 1—Private Schools
"**SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**
"**(a)** PRIVATE SCHOOL PARTICIPATION.—
"**(1)** IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.
"**(2)** SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.
"**(3)** SPECIAL RULE.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.
"**(4)** EXPENDITURES.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.
"**(5)** PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.
"**(b)** APPLICABILITY.—
"**(1)** IN GENERAL.—This section applies to programs under—
"**(A)** subparts 1 and 3 of part B of title I;
"**(B)** part C of title I;
"**(C)** part A of title II, to the extent provided in paragraph (3);
"**(D)** part B of title II;

"**(E)** part D of title II;
"(F) part A of title III;
"**(G)** part A of title IV; and
"**(H)** part B of title IV.
"**(2)** DEFINITION.—For the purpose of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).
"**(3)** APPLICATION.—(A) Except as provided in subparagraph (B), this subpart, including subsection (a)(4), applies to funds awarded to a local educational agency under part A of title II only to the extent that the local educational agency uses funds under that part to provide professional development to teachers and others.
"**(B)** Subject to subparagraph (A), the share of the local educational agency's subgrant under part A of title II that is used for professional development and subject to a determination of equitable expenditures under subsection (a)(4) shall not be less than the aggregate share of that agency's awards that were used for professional development for fiscal year 2001 under section 2203(1)(B) (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) and section 306 of the Department of Education Appropriations Act, 2001.

"**(c)** CONSULTATION.—
"**(1)** IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—
"**(A)** how the children's needs will be identified;
"**(B)** what services will be offered;
"**(C)** how, where, and by whom the services will be provided;
"**(D)** how the services will be assessed and how the results of the assessment will be used to improve those services;
"**(E)** the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and
"**(F)** how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.
"**(2)** DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.
"**(3)** TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

"**(4)** DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"**(d)** PUBLIC CONTROL OF FUNDS.—
"**(1)** IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.
"**(2)** PROVISION OF SERVICES.—
"**(A)** IN GENERAL.—The provision of services under this section shall be provided—
"**(i)** by employees of a public agency; or
"**(ii)** through contract by the public agency with an individual, association, agency, organization, or other entity.
"**(B)** INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.
"**(C)** COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

Appendix

G

OTHER DEFINITIONS UNDER THE NCLB ACT

"PART C—GENERAL PROVISIONS "SEC. 3301. DEFINITIONS.

Only keywords pertaining to ELL and immigrant education are listed.

"Except as otherwise provided, in this title:
"**(1) CHILD**.—The term 'child' means any individual aged 3 through 21.

"**(2) FAMILY EDUCATION PROGRAM**.—The term family education program means a language instruction educational program or special alternative instruction program that—
"(A) is designed—
"(i) to help limited English proficient adults and out-of-school youths achieve English proficiency; and
"(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children;
"(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and
"(C) gives preference to participation by parents and immediate family members of children attending school.

"**(3) IMMIGRANT CHILDREN AND YOUTH**.—The term 'immigrant children and youth' means individuals who—
"(A) are aged 3 through 21,
"(B) were not born in any State; and
"(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

"**(4) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM**.—The term language instruction educational program' means an instruction course—
"(A) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards, as required by section 1111(b)(1); and
"(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the

participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

"**(5) NATIVE LANGUAGE**.—The term 'native language', when used with reference to an individual of limited English proficiency, means—
"(A) the language normally used by such individual; or
"(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

"**(6) PARAPROFESSIONAL**.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

(7) USEFUL DEFINITIONS FROM THE NATIONAL CLEARINGHOUSE FOR ENGLISH LANGUAGE ACQUISITION & LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS (NCELA)

Academic achievement standards:

The expected performance of students on measures of academic achievement; for instance, "all students will score at least 76% correct on the district-developed performance-based assessment." Also known as performance standards.

Academic content standards:

Standards developed by state departments of education to demonstrate what they expect of all students in the **core content areas**. According to **NCLB**, **ELL** students "will meet the same challenging State academic content and student academic achievement standards as all children are expected to meet" (NCLB §3102(2)).

Accommodation:

Adapting language (spoken or written) to make it more understandable to second language learners. In assessment, accommodations may be made to the presentation, response method, setting, or timing/scheduling of the assessment (Baker, 2000; Rivera & Stansfield, 2000).

Alternative assessment:

"Approaches for finding out what students know or can do other than through the use of multiple-choice testing" (O' Malley & Valdez-Pierce, 1996, p.237).

Core content areas:

According to **NCLB**, core content areas are those on which students must be tested annually to determine their progress towards meeting **academic content standards** and **achievement standards**. These currently include reading, language arts, and math; in the future, science and social science will be added.

Equal Education Opportunities Act of 1974:

This civil rights statute prohibits states which receive federal funding from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. The statute specifically prohibits states from denying equal educational opportunity to **limited English proficient** students by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

High quality teacher:

According to **NCLB**, all students will be taught by "high quality teachers." While each state determines the definition of "high quality," teachers must have, at a minimum, a bachelor's degree.

Immersion:

Approach to teaching language in which the target language is used exclusively to provide all instruction.

Language acquisition:

The process of acquiring a first or second language. Some linguists distinguish between acquisition and learning of a second language, using the former to describe the informal development of a person's second language and the latter to describe the process of formal study of a second language. Other linguists maintain that there is no clear distinction between formal learning and informal acquisition. The process of acquiring a second language is different from acquiring the first (Baker, 2000).

Language majority:

A person or language community that is associated with the dominant language of the country.

Language proficiency:

To be proficient in a second language means to effectively communicate or understand thoughts or ideas through the language's grammatical system and its vocabulary, using its sounds or written symbols. Language proficiency is composed of oral (listening and speaking) and written (reading and writing) components as well as academic and non-academic language (Hargett, 1998).

Native-language immersion:

A model in which Native American (or other indigenous) students are taught through sheltered instruction in an endangered language; promotes the goals of revitalizing a community's vernacular and strengthening students' cultural identity, while fostering academic achievement (Crawford, 1997).

No Child Left Behind Act:

The No Child Left Behind Act of 2001 is the most recent reauthorization of the Elementary and Secondary Education act of 1965. The act contains the President's four basic education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods based on scientifically-based research.

Six Principles of Excellence "Getting Started" Program Helps

Six Guiding Principles

Principle #1

Limited English proficient students are held to the same high expectations of learning established for all students.

Principle #2

Limited English proficient students develop full productive and receptive proficiencies in English in the domains of listening, speaking, reading, and writing, consistent with expectations for all students.

Principle #3

Limited English proficient students are taught challenging content to enable them to meet performance standards in all content areas, including reading and language arts, mathematics, social studies, science, the fine arts, health, and physical education, consistent with those for all students.

Principle #4

Limited English proficient students receive instruction that builds on their previous education and cognitive abilities and that reflects their language proficiency levels.

Principle #5

Limited English proficient students are evaluated with appropriate and valid assessments that are aligned with state and local standards and that take into account the language acquisition stages and cultural backgrounds of the students.

Principle #6

The academic success of Limited English proficient students is a responsibility shared by all educators, the family, and the community.

Source:
Promoting Excellence: *Ensuring academic success for limited English proficient students.*
The George Washington University
Center for Equity and Excellence in Education
1730 North Lynn Street, Suite 401
Arlington, VA 22209
800-925-3223 703-528-5973 (f)
http://ceee.gwu.edu/

Some "Getting Started" Resources

Help! They Don't Speak English Starter Kit
(primary, elementary, young adult and administrator versions)
ESCORT (free)800-451-8058 607-432-7102 (fax)
http://www.escort.org/

The More Than Just Surviving Handbook: ESL For Every Classroom Teacher
Peguis Publishers
800-667-9673
www.peguis.com

IDEA Kit
Ballard and Tighe Publishers
800-321-4332
www.ballard-tighe.com

Making Connections I and II
Heinle & Heinle Publishers
800-354-9706
www.heinle.com

Scholastic Book Clubs
(English and Spanish paperbacks)
800-724-2424
www.scholastic.com

101 Bright Ideas: ESL Activities for All Ages
Addison-Wesley Publishing Company
781-944-3700
www.awl.com

Program Helps

ELL Student Hotline
1-877-HELP-LEP (435-7537)

This number connects to state technical assistance. Schools may receive on-site help and referrals to experienced ESOL teachers and teacher educators in all facets of programs that serve ELL students.

Pedagogy Matters: Standards for Effective Teaching Practice
CREDE (Research Report #4)
408-459-3500
www.crede.ucsc.edu

Presents five pedagogical standards that apply across grades, content areas and student populations. They are *joint productive activity, language and literacy development, meaning making, complex thinking,* and *instructional conversation*. Examples from classrooms support the argument that these standards are universal.

The CALLA Handbook: Implementing the Cognitive Academic Language Learning Approach
Addison-Wesley Publishing Company
781-944-3700
www.awl.com

CALLA builds on the distinction between everyday, social language use and the skills needed to succeed academically. Through *preparation, presentation, practice, evaluation* and *expansion,* students develop learning strategies as well as independence. Even if a school does not adopt the approach, the principles involved in curriculum analysis, materials preparation and instruction can benefit any program.

Helping Limited English Proficient Children Communicate in the Classroom
NCBE Program Information Guide Series, Number 9, Winter 1988-89
202-467-0867
www.ncbe.gwu.edu

It's a 19 capsule summary of practical ways to encourage and develop ELL students' oral skills. Each capsule contains a classroom example, a brief discussion of the issue, and what teachers can do about it.

Technical Assistance and Research Centers

Center for Research on Education, Diversity & Excellence (CREDE)

University of California, Santa Cruz
1156 High Street
Santa Cruz, CA 95064
408-459-3500 (v) 408-459-3502 (f)
www.cal.org/crede www.crede.ucsc.edu

National Clearinghouse for English Language Acquisition (NCELA)

The George Washington University Center for the Study of Language and Education
2011 Eye Street, N.W. Suite 200
Washington, D.C. 20006
202-467-0867 (v) 800-531-9347 (f)
http://www.ncela.gwu.edu/

Center for Applied Linguistics (CAL)/ ERIC Clearinghouse on Languages and Linguistics

4646 40th Street, N.W.
Washington, D.C. 20016
202-362-0700 (v) 202-362-3740 (f)
www.cal.org

Culturally and Linguistically Appropriate Services (CLAS)

CLAS Institute
University of Illinois at Urbana-Champaign
61 Children's Research Center
51 Gerty Drive
Champaign, IL 61821
217-333-4123 (v) 217-244-7732 (f)
http://clas.uiuc.edu/index.html

Federal and State Education Assistance

United States Department of Education - Includes links to educational program legislation, and the ten Regional Educational Laboratories.
www.ed.gov

Missouri Department of Elementary and Secondary Education (DESE) - The state department's web page, with links to school law and finance, federal programs, and the ELL Student Census (available to anyone).
http://dese.mo.gov

The office of English language acquisition, language enhancement, and academic achievement for limited English proficient students (OELA) - The Office responsible for overseeing Title III (Bilingual Education) programs, including the Emergency Immigrant Education program. Links to federal grant information.
www.ed.gov/offices/OELA

The former *Evaluation Assistance Centers* have folded into other agencies. The Eastern center is part of the ***Center for Equity and Excellence in Education***:
800-925-3223(toll free) 703-528-5973 (f)
http://ceee.gwu.edu/

BUENO Center - This agency is run by the State of Colorado but also has federally-funded projects. It focuses on issues of multicultural education and Migrant education.
(303)-492-5416
www.colorado.edu/education/BUENO

Midwest Desegregation Assistance Center (MDAC) - A technical assistance center designed to assist schools with issues of national origin, gender, and racial equity. Contains a lending library of materials
www.mdac.educ.ksu.edu

Region VII Comprehensive Assistance Center (CAC)
www.occe.ou.edu/comp/comp.html
http://region7.ou.edu/

The U.S. Department of Education funds 15 centers. They are charged with assisting schools to carry out the goals of ESEA programs, particularly Title I and related services.

Missouri Migrant Education and English Language Learning (MELL)

In Missouri, the Title I-C and Title III programs of the No Child Left Behind (NCLB) Act of 2001 have been reorganized as the Missouri Migrant Education and English Language Learning (MELL) program. The reorganization has been in progress since the NCLB Act was signed. The main purpose of the MELL program is to provide quality services and build capacity in the school districts as outlined in the Title I-C and Title III of the NCLB Act.

Title I.C - Migrant Education Program

The Mission of the Missouri Migrant Education Program is to establish and improve partnerships with local, state, and national agencies in order to offer technical and financial assistance with the purpose of enhancing education and health services to migrant families.

Title III - English Language Learning

Title III was written to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet. Through Title III, Missouri school districts can develop high-quality language instruction educational programs designed to assist in teaching limited English proficient children and serving immigrant children and youth. Title III also promotes participation in language instruction educational programs by the parents and communities of limited English proficient children.

2410 B Hyde Park Road
Jefferson City, Missouri 65109
(573)893-8931 voice
(573)893-8932 fax
http://www.mo-mell.org/

Center for Innovations in Education (CISE) –

The Center houses a lending library of ESOL materials (call for a catalogue). It also publishes a resource document on bilingual special education and early childhood issues.
800-976-2473 or 573-884-7275
www.cise.missouri.edu

New Web Resource:

ENGLISH LANGUAGE LEARNERS (ELL) KNOWLEDGEBASE –
The purpose of this Knowledge Base is to help school districts meet compliance requirements of the Office for Civil Rights. It promotes effective education programs for English Language learners by providing samples of successful programs and promising practices. It also provides knowledge and resources necessary to "do the job" of running an (ESOL or ELL or ESL) program. The

Knowledge Base will also locate the latest legal guidance, samples of policies and procedures, resources for classroom instruction, and links to other useful web sites. http://www.helpforschools.com/